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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/484,344 01/18/00 CHAUVIN

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023552
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PM82/0213

EXAMINER

COHEN, C	
ART UNIT	PAPER NUMBER

3634
DATE MAILED:

10
02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/484,344

Applicant(s)
Chauvvin

Examiner
Curtis Cohen

Group Art Unit
3634



☒ Responsive to communication(s) filed on Dec 5, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 1-14 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 15-19 is/are rejected.

☒ Claim(s) 20-28 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jan 18, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

Applicant's election with traverse of the restriction requirement in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the restriction requirement "does not make sense." This is not persuasive because merely stating that the restriction requirement "does not make sense" fails to provide evidence to support the allegation. The Office Action set forth an alternative assembly of the door, (e.g., constructing the door as a single member instead of an upper and lower member), which result in the same finished product. This reasoning is well known by those of ordinary skill in the art and proper for a restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means of closing said window, as recited in claim 17, line 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Claim Objections

Claims 20-28 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 20-28 not been further treated on the merits.

Claim 17 is objected to because of the following informalities: The term "of" is improper because it a misformatted use of language in a means plus function recitation. Appropriate correction is required.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. In this case, the phrase "The invention" should be avoided.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 18 and 19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to claim 18, the recitation of “said mobile panel (223) is mounted on at least one support and/or guide element (225, 226) fixed to said fixed assembly (222)” does not appear to be supported in the specification such that one of ordinary skill can understand how the apparatus is enabled. Specifically, the specification sets forth a mobile panel on the bottom of page 7 and the top of page 8. The specification also describes window panel 222 as alternatively being mobile. So, if both windows 222 and 223 are mobile, what structure enables the two windows to move? The specification states that 225 and 226 are guide means. Do these guide means provide movement for both windows panels? Note that it is not apparent from the drawings that 226 constitutes a guide means since the demarcation from the edge of window panel 222 to the guide means 226 is indistinguishable. Furthermore, if window panel 222 slides horizontally, does it slide in a separate guide track from window panel 222. In general, the details of the guide means and the movement of window panels 222 and 223 is not adequately enabled in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17, line 2, the claim recites "a fixed assembly (222)." This appears to be a duplicate recitation of "a window" as recited in claim 16, line 4, which is indefinite.

Claim 19, line 2, the alternative language "a frame or at least one approximately vertical upright" is indefinite. It is ambiguous which element the claim setting forth. Since the two elements "a frame" and "one vertical upright" are not necessarily interchangeable, known equivalence in the art, applicant must chose one of the two embodiments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al #2,567,153. Jackson et al teaches a door having a lower part and an upper part containing a window. The upper and lower parts are assembled at a horizontally extending assembly area 94 of the door. The upper part of the door comprises means 48 for closing the window 56.

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Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ojanen #5,829,195. Ojanen teaches an upper door 16 connected to a lower door 22 at a horizontally extending area. The upper door contains a slidable window with mean 36 for moving the window within a track. With respect to claim 19, the upper part of the door contains a frame 38 and 40.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Cohen whose telephone number is (703) 308-2106.

The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



C. Cohen

February 12, 2001